

House Study Bill 251 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MOHR)

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system, including by providing for payments associated
3 with indigent defense and representation, the funding
4 of activities relating to consumer fraud and antitrust,
5 a corrections capital reinvestment fund, an Iowa law
6 enforcement academy study, a human trafficking study, and
7 the funding of peace officer retirement, and including
8 effective date and retroactive applicability provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

FY 2023-2024 APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, the office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,749,860
.....	FTEs	217.68

As a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

The general office of attorney general may temporarily exceed and draw more than the amount appropriated in this lettered paragraph and incur a negative cash balance as long as there are receivables equal to or greater than the negative balances and the amount appropriated in this lettered paragraph is not exceeded at the close of the fiscal year.

b. For victim assistance grants:
..... \$ 5,016,708

The moneys appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established

1 in section 915.94 may be used to provide salary and support
2 of not more than 24.00 full-time equivalent positions and to
3 provide maintenance for the victim compensation functions
4 of the department of justice. In addition to the full-time
5 equivalent positions authorized pursuant to this paragraph,
6 7.00 full-time equivalent positions are authorized and shall
7 be used by the department of justice to employ one accountant
8 and four program planners. The department of justice may
9 employ the additional 7.00 full-time equivalent positions
10 authorized pursuant to this paragraph that are in excess of the
11 number of full-time equivalent positions authorized only if
12 the department of justice receives sufficient federal moneys
13 to maintain employment for the additional full-time equivalent
14 positions during the current fiscal year. The department
15 of justice shall only employ the additional 7.00 full-time
16 equivalent positions in succeeding fiscal years if sufficient
17 federal moneys are received during each of those succeeding
18 fiscal years.

19 The department of justice shall transfer at least \$150,000
20 from the victim compensation fund established in section 915.94
21 to the victim assistance grant program established in section
22 13.31.

23 Notwithstanding section 8.33, moneys appropriated in this
24 lettered paragraph that remain unencumbered or unobligated at
25 the close of the fiscal year shall not revert but shall remain
26 available for expenditure for the purposes designated until the
27 close of the succeeding fiscal year.

28 c. For legal services for persons in poverty grants as
29 provided in section 13.34:

30 \$ 2,634,601

31 d. To improve the department of justice's cybersecurity and
32 technology infrastructure:

33 \$ 202,060

34 2. a. The department of justice, in submitting budget
35 estimates for the fiscal year beginning July 1, 2024, pursuant

1 to section 8.23, shall include a report of funding from sources
2 other than amounts appropriated directly from the general fund
3 of the state to the department of justice or to the office of
4 consumer advocate. These funding sources shall include but
5 are not limited to reimbursements from other state agencies,
6 commissions, boards, or similar entities, and reimbursements
7 from special funds or internal accounts within the department
8 of justice. The department of justice shall also report actual
9 reimbursements for the fiscal year beginning July 1, 2022,
10 and actual and expected reimbursements for the fiscal year
11 beginning July 1, 2023.

12 b. The department of justice shall include the report
13 required under paragraph "a", as well as information regarding
14 any revisions occurring as a result of reimbursements actually
15 received or expected at a later date, in a report to the
16 general assembly. The department of justice shall submit the
17 report on or before January 15, 2024.

18 3. a. The department of justice shall fully reimburse
19 the costs and necessary related expenses incurred by the Iowa
20 law enforcement academy to continue to employ one additional
21 instructor position who shall provide training for human
22 trafficking-related issues throughout the state.

23 b. The department of justice shall obtain the moneys
24 necessary to reimburse the Iowa law enforcement academy to
25 employ such an instructor from unrestricted moneys from either
26 the victim compensation fund established in section 915.94 or
27 the human trafficking victim fund established in section 915.95
28 or the human trafficking enforcement fund established in 2015
29 Iowa Acts, chapter 138, section 141.

30 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
31 from the commerce revolving fund created in section 546.12, as
32 amended by 2023 Iowa Acts, Senate File 514, to the office of
33 consumer advocate of the department of justice for the fiscal
34 year beginning July 1, 2023, and ending June 30, 2024, the
35 following amount, or so much thereof as is necessary, to be

1 used for the purposes designated:

2 For salaries, support, maintenance, and miscellaneous
3 purposes, and for not more than the following full-time
4 equivalent positions:

5 \$ 3,378,093
6 FTEs 14.75

7 The office of consumer advocate shall include in its charges
8 assessed or revenues generated an amount sufficient to cover
9 the amount stated in its appropriation and any state-assessed
10 indirect costs determined by the department of administrative
11 services.

12 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

13 1. There is appropriated from the general fund of the state
14 to the department of corrections for the fiscal year beginning
15 July 1, 2023, and ending June 30, 2024, the following amounts,
16 or so much thereof as is necessary, to be used for the purposes
17 designated:

18 a. For the operation of the Fort Madison correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:

21 \$ 44,192,771

22 b. For the operation of the Anamosa correctional facility,
23 including salaries, support, maintenance, and miscellaneous
24 purposes:

25 \$ 37,022,808

26 c. For the operation of the Oakdale correctional facility,
27 including salaries, support, maintenance, and miscellaneous
28 purposes:

29 \$ 56,368,832

30 d. For the Oakdale correctional facility for
31 department-wide institutional pharmaceuticals and miscellaneous
32 purposes:

33 \$ 9,550,417

34 e. For the operation of the Newton correctional facility,
35 including salaries, support, maintenance, and miscellaneous

1 purposes:
2 \$ 30,437,665
3 f. For the operation of the Mount Pleasant correctional
4 facility, including salaries, support, maintenance, and
5 miscellaneous purposes:
6 \$ 28,642,429
7 g. For the operation of the Rockwell City correctional
8 facility, including salaries, support, maintenance, and
9 miscellaneous purposes:
10 \$ 11,090,142
11 h. For the operation of the Clarinda correctional facility,
12 including salaries, support, maintenance, and miscellaneous
13 purposes:
14 \$ 27,355,684
15 Moneys received by the department of corrections as
16 reimbursement for services provided to the Clarinda youth
17 corporation are appropriated to the department and shall be
18 used for the purpose of operating the Clarinda correctional
19 facility.
20 i. For the operation of the Mitchellville correctional
21 facility, including salaries, support, maintenance, and
22 miscellaneous purposes:
23 \$ 24,946,721
24 j. For the operation of the Fort Dodge correctional
25 facility, including salaries, support, maintenance, and
26 miscellaneous purposes:
27 \$ 32,742,479
28 k. For reimbursement of counties for temporary confinement
29 of prisoners, as provided in sections 901.7, 904.908, and
30 906.17, and for offenders confined pursuant to section 904.513:
31 \$ 1,195,319
32 1. For federal prison reimbursement, reimbursements for
33 out-of-state placements, and miscellaneous contracts:
34 \$ 234,411
35 2. The department of corrections shall use moneys

1 appropriated in subsection 1 to continue to contract for the
2 services of a Muslim imam and a Native American spiritual
3 leader.

4 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

5 There is appropriated from the general fund of the state to the
6 department of corrections for the fiscal year beginning July
7 1, 2023, and ending June 30, 2024, the following amounts, or
8 so much thereof as is necessary, to be used for the purposes
9 designated:

10 1. For general administration, including salaries and the
11 adjustment of salaries throughout the department, support,
12 maintenance, employment of an education director to administer
13 a centralized education program for the correctional system,
14 and miscellaneous purposes:

15 \$ 6,313,331

16 a. It is the intent of the general assembly that each
17 lease negotiated by the department of corrections with a
18 private corporation for the purpose of providing private
19 industry employment of inmates in a correctional institution
20 shall prohibit the private corporation from utilizing inmate
21 labor for partisan political purposes for any person seeking
22 election to public office in this state and that a violation
23 of this requirement shall result in a termination of the lease
24 agreement.

25 b. It is the intent of the general assembly that as a
26 condition of receiving the appropriation provided in this
27 subsection the department of corrections shall not enter into
28 a lease or contractual agreement pursuant to section 904.809
29 with a private corporation for the use of building space for
30 the purpose of providing inmate employment without providing
31 that the terms of the lease or contract establish safeguards to
32 restrict, to the greatest extent feasible, access by inmates
33 working for the private corporation to personal identifying
34 information of citizens.

35 2. For educational programs for inmates at state penal

1 institutions:

2 \$ 2,608,109

3 a. To maximize the funding for educational programs,
4 the department shall establish guidelines and procedures to
5 prioritize the availability of educational and vocational
6 training for inmates based upon the goal of facilitating an
7 inmate's successful release from the correctional institution.

8 b. The director of the department of corrections may
9 transfer moneys from Iowa prison industries and the canteen
10 operating funds established pursuant to section 904.310, for
11 use in educational programs for inmates.

12 c. Notwithstanding section 8.33, moneys appropriated in
13 this subsection that remain unencumbered or unobligated at the
14 close of the fiscal year shall not revert but shall remain
15 available to be used only for the purposes designated in this
16 subsection until the close of the succeeding fiscal year.

17 3. For the development and operation of the Iowa corrections
18 offender network (ICON) data system:

19 \$ 2,000,000

20 4. For offender mental health and substance abuse
21 treatment:

22 \$ 28,065

23 5. For department-wide duties, including operations, costs,
24 and miscellaneous purposes:

25 \$ 12,974,108

26 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
27 SERVICES.

28 1. There is appropriated from the general fund of the state
29 to the department of corrections for the fiscal year beginning
30 July 1, 2023, and ending June 30, 2024, for salaries, support,
31 maintenance, and miscellaneous purposes, the following amounts,
32 or so much thereof as is necessary, to be used for the purposes
33 designated:

34 a. For the first judicial district department of
35 correctional services:

1 \$ 16,207,339

2 It is the intent of the general assembly that the first
3 judicial district department of correctional services maintains
4 the drug courts operated by the district department.

5 b. For the second judicial district department of
6 correctional services:

7 \$ 12,789,649

8 It is the intent of the general assembly that the second
9 judicial district department of correctional services maintains
10 two drug courts to be operated by the district department.

11 c. For the third judicial district department of
12 correctional services:

13 \$ 7,710,790

14 d. For the fourth judicial district department of
15 correctional services:

16 \$ 6,193,805

17 e. For the fifth judicial district department of
18 correctional services, including funding for electronic
19 monitoring devices for use on a statewide basis:

20 \$ 23,440,024

21 It is the intent of the general assembly that the fifth
22 judicial district department of correctional services maintains
23 the drug court operated by the district department.

24 f. For the sixth judicial district department of
25 correctional services:

26 \$ 16,755,370

27 It is the intent of the general assembly that the sixth
28 judicial district department of correctional services maintains
29 the drug court operated by the district department.

30 g. For the seventh judicial district department of
31 correctional services:

32 \$ 10,362,851

33 It is the intent of the general assembly that the seventh
34 judicial district department of correctional services maintains
35 the drug court operated by the district department.

1 h. For the eighth judicial district department of
2 correctional services:
3 \$ 9,238,778

4 2. Each judicial district department of correctional
5 services, within the moneys available, shall continue programs
6 and plans established within that district to provide for
7 intensive supervision, sex offender treatment, diversion of
8 low-risk offenders to the least restrictive sanction available,
9 job development, and expanded use of intermediate criminal
10 sanctions.

11 3. Each judicial district department of correctional
12 services shall provide alternatives to prison consistent with
13 chapter 901B. The alternatives to prison shall ensure public
14 safety while providing maximum rehabilitation to the offender.
15 A judicial district department of correctional services may
16 also establish a day program.

17 4. The office of drug control policy of the department
18 of public safety shall consider federal grants made to the
19 department of corrections for the benefit of each of the eight
20 judicial district departments of correctional services as local
21 government grants, as defined pursuant to federal regulations.

22 5. The department of corrections shall continue to contract
23 with a judicial district department of correctional services to
24 provide for the rental of electronic monitoring equipment which
25 shall be available statewide.

26 6. The public safety assessment shall not be utilized in
27 pretrial hearings when determining whether to detain or release
28 a defendant before trial until such time the use of the public
29 safety assessment has been specifically authorized by the
30 general assembly.

31 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF
32 APPROPRIATIONS. Notwithstanding section 8.39, within the
33 moneys appropriated in this division of this Act to the
34 department of corrections, the department may reallocate the
35 moneys appropriated and allocated as necessary to best fulfill

1 the needs of the correctional institutions, administration
2 of the department, and the judicial district departments of
3 correctional services. However, in addition to complying with
4 the requirements of sections 904.116 and 905.8 and providing
5 notice to the legislative services agency, the department
6 of corrections shall also provide notice to the department
7 of management, prior to the effective date of the revision
8 or reallocation of an appropriation made pursuant to this
9 section. The department of corrections shall not reallocate an
10 appropriation or allocation for the purpose of eliminating any
11 program.

12 Sec. 7. INTENT — REPORTS.

13 1. The department of corrections, in cooperation with
14 townships, the Iowa cemetery associations, and other nonprofit
15 or governmental entities, may use inmate labor during the
16 fiscal year beginning July 1, 2023, to restore or preserve
17 rural cemeteries and historical landmarks. The department, in
18 cooperation with the counties, may also use inmate labor to
19 clean up roads, major water sources, and other water sources
20 around the state.

21 2. By January 15, 2024, the department shall provide an
22 annual status report regarding private-sector employment to
23 the general assembly. The report shall include the number
24 of offenders employed in the private sector, the combined
25 number of hours worked by the offenders, the total amount of
26 allowances, and the distribution of allowances pursuant to
27 section 904.702, including any moneys deposited in the general
28 fund of the state.

29 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
30 corrections shall submit a report on electronic monitoring
31 to the general assembly by January 15, 2024. The report
32 shall specifically address the number of persons being
33 electronically monitored and break down the number of persons
34 being electronically monitored by offense committed. The
35 report shall also include a comparison of any data from the

1 prior fiscal year with the current fiscal year.

2 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

3 1. As used in this section, unless the context otherwise
4 requires, "state agency" means the government of the state
5 of Iowa, including but not limited to all executive branch
6 departments, agencies, boards, bureaus, and commissions, the
7 judicial branch, the general assembly and all legislative
8 agencies, institutions within the purview of the state board of
9 regents, and any corporation whose primary function is to act
10 as an instrumentality of the state.

11 2. State agencies are encouraged to purchase products from
12 Iowa state industries, as defined in section 904.802, when
13 purchases are required and the products are available from
14 Iowa state industries. State agencies shall obtain bids from
15 Iowa state industries for purchases of office furniture during
16 the fiscal year beginning July 1, 2023, exceeding \$5,000 or
17 in accordance with applicable administrative rules related to
18 purchases for the agency.

19 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

20 1. There is appropriated from the general fund of the
21 state to the Iowa law enforcement academy for the fiscal year
22 beginning July 1, 2023, and ending June 30, 2024, the following
23 amount, or so much thereof as is necessary, to be used for the
24 purposes designated:

25 a. For salaries, support, maintenance, and miscellaneous
26 purposes, including jailer training and technical assistance,
27 and for not more than the following full-time equivalent
28 positions:

29	\$	1,238,504
30	FTEs	30.25

31 b. The Iowa law enforcement academy may temporarily exceed
32 and draw more than the amount appropriated in this subsection
33 and incur a negative cash balance as long as there are
34 receivables equal to or greater than the negative balance and
35 the amount appropriated in this subsection is not exceeded at

1 the close of the fiscal year.

2 2. The Iowa law enforcement academy may select at least
3 five automobiles of the department of public safety, division
4 of state patrol, prior to turning over the automobiles to
5 the department of administrative services to be disposed
6 of by public auction, and the Iowa law enforcement academy
7 may exchange any automobile owned by the academy for each
8 automobile selected if the selected automobile is used in
9 training law enforcement officers at the academy. However, any
10 automobile exchanged by the academy shall be substituted for
11 the selected vehicle of the department of public safety and
12 sold by public auction with the receipts being deposited in the
13 depreciation fund maintained pursuant to section 8A.365 to the
14 credit of the department of public safety, division of state
15 patrol.

16 3. The Iowa law enforcement academy shall provide training
17 for domestic abuse and human trafficking-related issues
18 throughout the state. The training shall be offered at no
19 cost to the attendees and the training shall not replace any
20 existing domestic abuse or human trafficking training offered
21 by the academy.

22 Sec. 11. STATE PUBLIC DEFENDER.

23 1. There is appropriated from the general fund of the state
24 to the office of the state public defender of the department
25 of inspections, appeals, and licensing for the fiscal year
26 beginning July 1, 2023, and ending June 30, 2024, the following
27 amounts, or so much thereof as is necessary, to be used for the
28 purposes designated:

29 a. For salaries, support, maintenance, and miscellaneous
30 purposes, and for not more than the following full-time
31 equivalent positions:

32	\$ 30,718,203
33	FTEs 241.00

34 b. For payments on behalf of eligible adults and juveniles
35 from the indigent defense fund, in accordance with section

1 815.11:

2 \$ 44,046,374

3 2. Moneys received by the office of the state public
4 defender pursuant to Tit. IV-E of the federal Social Security
5 Act remaining unencumbered and unobligated at the end of the
6 fiscal year shall not revert but shall be transferred to the
7 Tit. IV-E juvenile justice improvement fund created in 2022
8 Iowa Acts, chapter 1146, section 11, subsection 3, to remain
9 available for expenditure by the office of the state public
10 defender in succeeding fiscal years for the purposes allowed by
11 Tit. IV-E of the federal Social Security Act.

12 Sec. 12. BOARD OF PAROLE. There is appropriated from the
13 general fund of the state to the board of parole for the fiscal
14 year beginning July 1, 2023, and ending June 30, 2024, the
15 following amount, or so much thereof as is necessary, to be
16 used for the purposes designated:

17 For salaries, support, maintenance, and miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions:

20 \$ 1,517,894

21 FTEs 11.00

22 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE.

23 1. There is appropriated from the general fund of the
24 state to the department of public defense, for the fiscal year
25 beginning July 1, 2023, and ending June 30, 2024, the following
26 amount, or so much thereof as is necessary, to be used for the
27 purposes designated:

28 For salaries, support, maintenance, and miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31 \$ 6,963,037

32 FTEs 248.00

33 2. The department of public defense may temporarily exceed
34 and draw more than the amount appropriated in this section and
35 incur a negative cash balance as long as there are receivables

1 accident, and disability system provided in chapter 97A in the
2 amount of the state's normal contribution rate, as defined in
3 section 97A.8, multiplied by the salaries for which the moneys
4 are appropriated, to meet federal fund matching requirements,
5 and for not more than the following full-time equivalent
6 positions:

7 \$ 19,712,633
8 FTEs 180.00

9 3. For the criminalistics laboratory fund created in
10 section 691.9:

11 \$ 650,000

12 Notwithstanding section 8.33, moneys appropriated in this
13 subsection that remain unencumbered or unobligated at the close
14 of the fiscal year shall not revert but shall remain available
15 for expenditure for the purposes designated until the close of
16 the succeeding fiscal year.

17 4. a. For the division of narcotics enforcement, including
18 the state's contribution to the peace officers' retirement,
19 accident, and disability system provided in chapter 97A in the
20 amount of the state's normal contribution rate, as defined in
21 section 97A.8, multiplied by the salaries for which the moneys
22 are appropriated, to meet federal fund matching requirements,
23 and for not more than the following full-time equivalent
24 positions:

25 \$ 8,613,894
26 FTEs 67.00

27 The division of narcotics enforcement is authorized an
28 additional 1.00 full-time equivalent position pursuant to
29 this lettered paragraph that is in excess of the number of
30 full-time equivalent positions authorized for the previous
31 fiscal year only if the division of narcotics enforcement
32 receives sufficient federal moneys to maintain employment
33 for the additional full-time equivalent position during the
34 current fiscal year. The division of narcotics enforcement
35 shall only employ the additional full-time equivalent position

1 in succeeding fiscal years if sufficient federal moneys are
2 received during each of those succeeding fiscal years.

3 b. For the division of narcotics enforcement for undercover
4 purchases:

5 \$ 209,042

6 5. For the division of state fire marshal, for fire
7 protection services as provided through the state fire service
8 and emergency response council as created in the department,
9 and for the state's contribution to the peace officers'
10 retirement, accident, and disability system provided in chapter
11 97A in the amount of the state's normal contribution rate,
12 as defined in section 97A.8, multiplied by the salaries for
13 which the moneys are appropriated, and for not more than the
14 following full-time equivalent positions:

15 \$ 3,230,743

16 FTEs 21.00

17 6. For the division of state patrol, for salaries, support,
18 maintenance, workers' compensation costs, and miscellaneous
19 purposes, including the state's contribution to the peace
20 officers' retirement, accident, and disability system provided
21 in chapter 97A in the amount of the state's normal contribution
22 rate, as defined in section 97A.8, multiplied by the salaries
23 for which the moneys are appropriated, and for not more than
24 the following full-time equivalent positions:

25 \$ 87,066,931

26 FTEs 613.00

27 It is the intent of the general assembly that members of the
28 state patrol be assigned to patrol the highways and roads in
29 lieu of assignments for inspecting school buses for the school
30 districts.

31 7. For deposit in the sick leave benefits fund established
32 in section 80.42 for all departmental employees eligible to
33 receive benefits for accrued sick leave under the collective
34 bargaining agreement:

35 \$ 279,517

1 8. For costs associated with the training and equipment
2 needs of volunteer fire fighters:
3 \$ 1,075,520

4 Notwithstanding section 8.33, moneys appropriated in this
5 subsection that remain unencumbered or unobligated at the close
6 of the fiscal year shall not revert but shall remain available
7 for expenditure for the purposes designated in this subsection
8 until the close of the succeeding fiscal year.

9 9. For the public safety interoperable and broadband
10 communications fund established in section 80.44:
11 \$ 115,661

12 10. For the office to combat human trafficking established
13 pursuant to section 80.45, including salaries, support,
14 maintenance, and miscellaneous purposes, and for not more than
15 the following full-time equivalent positions:
16 \$ 200,742
17 FTEs 2.00

18 11. For department-wide duties, including operations,
19 costs, and miscellaneous purposes:
20 \$ 5,336,923

21 12. For deposit in the public safety equipment fund
22 established in section 80.48 for the purchase, maintenance, and
23 replacement of equipment used by the department:
24 \$ 2,500,000

25 13. For the office of drug control policy, for salaries,
26 support, maintenance, and miscellaneous purposes, including
27 statewide coordination of the drug abuse resistance education
28 (D.A.R.E) programs or other similar programs, and for not more
29 than the following full-time equivalent positions:
30 \$ 249,219
31 FTEs 4.00

32 Notwithstanding section 8.39, the department of public
33 safety may reallocate moneys appropriated in this section
34 as necessary to best fulfill the needs provided for in the
35 appropriation. However, the department shall not reallocate

1 in this subsection are in addition to the full-time equivalent
2 positions otherwise authorized in this section.

3 Sec. 17. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
4 MANAGEMENT. There is appropriated from the 911 emergency
5 communications fund created in section 34A.7A to the department
6 of homeland security and emergency management for the fiscal
7 year beginning July 1, 2023, and ending June 30, 2024, the
8 following amount, or so much thereof as is necessary, to be
9 used for the purposes designated:

10 For implementation, support, and maintenance of the
11 functions of the administrator and program manager under
12 chapter 34A and to employ the auditor of the state to perform
13 an annual audit of the 911 emergency communications fund:
14 \$ 300,000

15 Sec. 18. CONSUMER EDUCATION AND LITIGATION — FARM
16 MEDIATION AND PROSECUTIONS, APPEALS, AND CLAIMS.
17 Notwithstanding [section 714.16C](#), there is appropriated from the
18 consumer education and litigation fund to the department of
19 justice for the fiscal year beginning July 1, 2023, and ending
20 June 30, 2024, the following amounts, or so much thereof as is
21 necessary, to be used for the purposes designated:

22 1. For farm mediation services as specified in section
23 13.13, subsection 2:
24 \$ 300,000

25 2. For salaries, support, maintenance, and miscellaneous
26 purposes for criminal prosecutions, criminal appeals, and
27 performing duties pursuant to [chapter 669](#):
28 \$ 2,000,000

29 DIVISION II

30 INDIGENT DEFENSE AND REPRESENTATION

31 Sec. 19. Section 815.7, subsections 6 and 7, Code 2023, are
32 amended to read as follows:

33 6. For appointments made on or after July 1, 2021, through
34 June 30, 2022, the reasonable compensation shall be calculated
35 on the basis of seventy-six dollars per hour for class "A"

1 felonies, seventy-one dollars per hour for class "B" felonies,
2 and sixty-six dollars per hour for all other cases.

3 7. For appointments made on or after July 1, 2022, through
4 June 30, 2023, the reasonable compensation shall be calculated
5 on the basis of seventy-eight dollars per hour for class
6 "A" felonies, seventy-three dollars per hour for class "B"
7 felonies, and sixty-eight dollars per hour for all other cases.

8 Sec. 20. Section 815.7, Code 2023, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 7A. For appointments made on or after July
11 1, 2023, the reasonable compensation shall be calculated on the
12 basis of eighty-three dollars per hour for class "A" felonies,
13 seventy-eight dollars per hour for class "B" felonies, and
14 seventy-three dollars per hour for all other cases.

15 Sec. 21. NEW SECTION. **815.7A Travel time for attorney or**
16 **guardian ad litem.**

17 1. Compensation for time spent by an attorney or guardian
18 ad litem traveling outside of the attorney's or guardian ad
19 litem's county of domicile is payable when the travel is
20 reasonable and necessary to represent the indigent client and
21 shall be calculated at a rate of thirty-five dollars per hour.
22 Compensation for travel for a court proceeding other than a
23 trial or other contested proceeding shall only be paid if the
24 attorney or guardian ad litem files a motion for a remote
25 hearing and the motion is denied.

26 2. Compensation for travel for an arraignment, pretrial
27 conference, scheduling conference, or any other uncontested or
28 nontestimonial judicial proceeding, for which a request for a
29 remote hearing was denied, paid to the attorney or guardian ad
30 litem from the indigent defense fund created in section 815.11
31 shall be reimbursed by the judicial branch.

32 3. For purposes of this section, "*county of domicile*" means
33 the address the attorney or guardian ad litem has on file with
34 the office of the state public defender.

35

DIVISION III

1 ATTORNEY GENERAL — ANTITRUST FUND — CONSUMER EDUCATION AND
2 LITIGATION FUND

3 Sec. 22. 2014 Iowa Acts, chapter 1138, section 21, as
4 amended by 2016 Iowa Acts, chapter 1137, section 18, 2017 Iowa
5 Acts, chapter 167, section 24, 2019 Iowa Acts, chapter 163,
6 section 26, and 2021 Iowa Acts, chapter 166, section 23, is
7 amended to read as follows:

8 SEC. 21. CONSUMER EDUCATION AND LITIGATION
9 FUND. Notwithstanding [section 714.16C](#), for each fiscal
10 year of the period beginning July 1, 2014, and ending June
11 30, ~~2023~~ 2025, the annual appropriations in [section 714.16C](#),
12 are increased from \$1,125,000 to \$1,875,000, and \$75,000 to
13 \$125,000 respectively.

14 Sec. 23. DEPARTMENT OF JUSTICE LITIGATION
15 FUNDS. Notwithstanding sections 553.19 and 714.16C,
16 for the fiscal years beginning July 1, 2022, and ending June
17 30, 2023, and beginning July 1, 2023, and ending June 30,
18 2024, any moneys not otherwise appropriated from the antitrust
19 fund created in section 553.19 and the consumer education and
20 litigation fund created in section 714.16C are appropriated to
21 the department of justice for salaries, support, maintenance,
22 and miscellaneous purposes necessary to perform the duties
23 described in section 13.2.

24 Sec. 24. EFFECTIVE DATE. The following, being deemed of
25 immediate importance, takes effect upon enactment:

26 The section of this division of this Act regarding the use of
27 moneys not otherwise appropriated from the antitrust fund and
28 the consumer education and litigation fund.

29 Sec. 25. RETROACTIVE APPLICABILITY. The following applies
30 retroactively to July 1, 2022:

31 The section of this division of this Act regarding the use of
32 moneys not otherwise appropriated from the antitrust fund and
33 the consumer education and litigation fund.

34 DIVISION IV
35 DEPARTMENT OF CORRECTIONS

1 Sec. 26. Section 904.317, Code 2023, is amended to read as
2 follows:

3 **904.317 Director may buy and sell real estate — options.**

4 1. The director, subject to the approval of the board, may
5 secure options to purchase real estate and acquire and sell
6 real estate for the proper uses of the institutions. Real
7 estate shall be acquired and sold upon terms and conditions
8 the director recommends subject to the approval of the board.
9 Upon sale of the real estate, the proceeds shall be deposited
10 ~~with the treasurer of state and credited to the general fund~~
11 ~~of the state in a corrections capital reinvestment fund, which~~
12 is established in the state treasury under the purview of
13 the department. There is appropriated from the ~~general~~ fund
14 ~~of the state~~ to the department a ~~sum equal to the proceeds,~~
15 ~~so deposited and credited to the general fund of the state~~
16 which may be used to purchase other real estate or for capital
17 improvements upon property under the director's supervision.
18 Notwithstanding section 8.33, moneys in the fund that remain
19 unencumbered or unobligated at the close of a fiscal year shall
20 not revert but shall remain available for expenditure for the
21 purposes designated. Notwithstanding section 12C.7, subsection
22 2, interest or earnings on moneys in the fund shall be credited
23 to the fund.

24 2. The costs incident to the securing of options and
25 acquisition and sale of real estate including, but not limited
26 to, appraisals, invitations for offers, abstracts, and other
27 necessary costs, may be paid from moneys appropriated for
28 support and maintenance to the institution at which the real
29 estate is located. The ~~fund~~ funding source for these costs
30 shall be reimbursed from the proceeds of the sale.

31 Sec. 27. TRANSFER. Moneys remaining in the general
32 fund of the state on June 30, 2023, from the sale of real
33 estate pursuant to section 904.317, that are available to the
34 department of corrections are transferred to the corrections
35 capital reinvestment fund established in section 904.317, as

1 amended in this division of this Act.

2 Sec. 28. EFFECTIVE DATE. This division of this Act takes
3 effect June 30, 2023.

4 DIVISION V

5 IOWA LAW ENFORCEMENT ACADEMY STUDY

6 Sec. 29. IOWA LAW ENFORCEMENT ACADEMY INTERIM STUDY
7 COMMITTEE.

8 1. The legislative council is requested to establish an Iowa
9 law enforcement academy interim study committee to do all of
10 the following:

11 a. Review and evaluate minimum entrance requirements, the
12 course of study, attendance requirements, and the sufficiency
13 of current equipment and facilities.

14 b. Review and evaluate minimum basic training requirements.

15 c. Review and evaluate minimum standards of physical,
16 mental, educational, and moral fitness.

17 d. Consider additional locations for law enforcement
18 training schools and current and future facility needs.

19 2. The committee shall include all of the following members:

20 a. Ten members of the general assembly, including five
21 members of the senate, three of whom shall be appointed by
22 the majority leader of the senate and two of whom shall be
23 appointed by the minority leader of the senate, and five
24 members of the house of representatives, three of whom shall be
25 appointed by the speaker of the house of representatives and
26 two of whom shall be appointed by the minority leader of the
27 house of representatives.

28 b. The director of the Iowa law enforcement academy or the
29 director's designee.

30 c. A member of the Iowa law enforcement academy council.

31 d. A sheriff of a county with a population of fifty thousand
32 or more who is a member of the Iowa state sheriffs and deputies
33 association.

34 e. A sheriff of a county with a population of less than
35 fifty thousand who is a member of the Iowa state sheriffs and

1 deputies association.

2 f. A police chief of a city with a population of fifty
3 thousand or more who is a member of the Iowa police chiefs
4 association.

5 g. A police chief of a city with a population of less
6 than fifty thousand who is a member of the Iowa police chiefs
7 association.

8 h. A police officer who is a member of a police department
9 of a city with a population of fifty thousand or more who is a
10 member of the Iowa peace officers association.

11 i. A police officer who is a member of a police department
12 of a city with a population of less than fifty thousand who is a
13 member of the Iowa peace officers association.

14 j. The commissioner of the department of public safety or
15 the commissioner's designee.

16 k. A member of the Iowa county attorneys association.

17 l. The attorney general or the attorney general's designee.

18 m. The governor or the governor's designee.

19 3. Members of the committee other than members of the
20 general assembly shall be nonvoting members.

21 4. The committee shall issue a report, including findings
22 and recommendations, to the governor and the general assembly
23 no later than December 15, 2023.

24 DIVISION VI

25 HUMAN TRAFFICKING STUDY

26 Sec. 30. HUMAN TRAFFICKING INTERIM STUDY COMMITTEE.

27 1. The legislative council is requested to establish a human
28 trafficking interim study committee to do all of the following:

29 a. Identify current initiatives to eliminate the human
30 trafficking of minors in the state.

31 b. Identify current services available in the state for
32 minor victims of human trafficking.

33 c. Identify and investigate the laws of other states that
34 focus on minor victims of human trafficking, concentrating on
35 those states that border Iowa, to determine if another state's

1 model would be effective in Iowa. Recommendations shall
2 include funding needs for any services or programs.

3 d. Research and recommend a model of rehabilitative
4 services for minor victims of human trafficking that includes
5 input from law enforcement, social services organizations, the
6 judicial system, and mental health professionals.

7 e. Identify barriers that prevent minor victims of human
8 trafficking from seeking legal assistance or medical attention.

9 f. Create a procedure to be followed by all law enforcement
10 officers statewide if a law enforcement officer encounters a
11 minor who may be a victim of human trafficking.

12 g. Investigate the efficacy of safe harbor laws.

13 h. Investigate and identify potential routes to eliminate
14 human trafficking of minors in the state.

15 i. Make recommendations on appropriate human
16 trafficking-related training for law enforcement officers,
17 county attorneys, and juvenile service officers.

18 j. Identify funding needs based upon recommendations made
19 by the committee.

20 2. The committee shall include all of the following members:

21 a. Three members of the senate, two of whom shall be
22 appointed by the majority leader of the senate, and one of whom
23 shall be appointed by the minority leader of the senate.

24 b. Three members of the house of representatives, two
25 of whom shall be appointed by the speaker of the house of
26 representatives, and one of whom shall be appointed by the
27 minority leader of the house of representatives.

28 c. A representative of the department of public safety.

29 d. A representative of the office to combat human
30 trafficking.

31 e. A representative of the attorney general's office.

32 f. A representative of the department of health and human
33 services.

34 g. A representative of juvenile court services.

35 h. The chief of police or head law enforcement official of

1 a city in this state with a population of two hundred thousand
2 or more as determined by the most recent population estimates
3 issued by the United States bureau of census.

4 i. The chief of police or head law enforcement official of
5 a city in this state with a population of less than two hundred
6 thousand as determined by the most recent federal decennial
7 census.

8 j. A county sheriff.

9 k. Up to two county attorneys who serve on child protection
10 assistance teams under section 915.35, subsection 4, paragraph
11 "a".

12 l. Up to two members of the public who are former human
13 trafficking victims.

14 m. Up to two criminal defense attorneys with experience in
15 human trafficking cases.

16 n. A representative from the Iowa network against human
17 trafficking.

18 3. Members of the committee other than members of the
19 general assembly shall be nonvoting members.

20 4. The committee shall issue a report, including findings
21 and recommendations, to the governor and the general assembly
22 no later than December 15, 2023.

23 DIVISION VII

24 DIRECTIVE — DEPARTMENT OF PUBLIC SAFETY

25 Sec. 31. DEPARTMENT OF PUBLIC SAFETY — PEACE OFFICERS'
26 RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM. For the fiscal
27 year beginning July 1, 2023, and ending June 30, 2024, the
28 department of public safety shall pay to the peace officers'
29 retirement, accident, and disability system created in chapter
30 97A, from moneys appropriated in this Act to the department
31 of public safety for the division of state patrol, the amount
32 sufficient to fund the actuarial cost of the remaining transfer
33 identified in 2023 Iowa Acts, Senate File 513, after the
34 trustee-to-trustee lump sum transfer required by that Act has
35 been performed.

1 per hour. Compensation for travel for a court proceeding
2 other than a trial or other contested proceeding shall only
3 be paid if the attorney or guardian ad litem files a motion
4 for a remote hearing and the motion is denied. Under those
5 circumstances, compensation paid for travel for an uncontested
6 or nontestimonial proceeding must be reimbursed by the judicial
7 branch.

8 ATTORNEY GENERAL — ANTITRUST FUND — CONSUMER EDUCATION AND
9 LITIGATION FUND. The bill extends an increase in Code section
10 714.16C appropriations to the department of justice to June
11 30, 2025. The annual appropriations in Code section 714.16C
12 are increased from \$1,250,000 to \$1,875,000 and \$75,000 to
13 \$125,000, respectively.

14 The bill provides that any moneys not otherwise appropriated
15 from the antitrust fund and the consumer education and
16 litigation fund are appropriated to the department of justice
17 for salaries, support, maintenance, and miscellaneous purposes.
18 This provision takes effect upon enactment and is retroactively
19 applicable to July 1, 2022.

20 DEPARTMENT OF CORRECTIONS. The bill provides that upon
21 an approved sale of real estate by the director of the
22 department of corrections, the proceeds shall be deposited in a
23 corrections capital reinvestment fund established by the bill.
24 The bill transfers associated moneys remaining in the general
25 fund to the new fund. The funding source for costs incident
26 to the acquisition and sale of real estate shall be reimbursed
27 from the proceeds of the sale. These provisions take effect
28 June 30, 2023.

29 IOWA LAW ENFORCEMENT ACADEMY — STUDY COMMITTEE. The
30 bill requests the establishment of a legislative interim
31 study committee on the Iowa law enforcement academy to review
32 and evaluate the following: minimum entrance requirements,
33 the course of study, attendance requirements, and the
34 sufficiency of current equipment and facilities; minimum basic
35 training requirements; minimum standards of physical, mental,

1 educational, and moral fitness; and additional locations for
2 law enforcement training schools and other facility needs.

3 HUMAN TRAFFICKING STUDY COMMITTEE. The bill requests the
4 establishment of a legislative interim study committee on human
5 trafficking to review and evaluate the following: current
6 initiatives to eliminate the human trafficking of minors in the
7 state; current services available for minor victims of human
8 trafficking; laws of other states that focus on minor victims
9 of human trafficking; a model of rehabilitative services for
10 minor victims of human trafficking; barriers that prevent minor
11 victims of human trafficking from seeking legal assistance
12 or medical attention; a procedure to be followed if a law
13 enforcement officer encounters a minor who may be a victim of
14 human trafficking; the efficacy of safe harbor laws; potential
15 routes to eliminate human trafficking of minors in the state;
16 recommendations on appropriate human trafficking-related
17 training for law enforcement officers, county attorneys, and
18 juvenile service officers; and funding needs.

19 DEPARTMENT OF PUBLIC SAFETY DIRECTIVE. The bill requires
20 the department of public safety to pay the peace officers'
21 retirement, accident, and disability system, from moneys
22 appropriated in the bill, the amount sufficient to fund the
23 actuarial cost of the remaining transfer due to the transition
24 of motor vehicle enforcement duties to the department of
25 public safety from the department of transportation, after
26 the required trustee-to-trustee lump sum transfer has been
27 performed. This provision takes effect July 1, 2023, if the
28 bill providing for the transition (2023 Iowa Acts, Senate File
29 513) is enacted.